

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7719**

**BILL NUMBER:** HB 1680

**DATE PREPARED:** Jan 4, 2001

**BILL AMENDED:**

**SUBJECT:** Death Sentence.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (A) It allows a jury to consider evidence of the impact of the crime on the members of the victim's family.
- (B) It allows a jury to consider evidence of the defendant's criminal history when recommending a sentence for a defendant in a murder case.
- (C) It requires a court to sentence a defendant in a murder case according to a unanimous jury sentencing recommendation.
- (D) It provides that if a jury is unable to agree on a sentence recommendation in a murder case after reasonable deliberations, the court must discharge the jury, hold a separate sentencing hearing, and sentence the defendant to: (1) a fixed term of imprisonment; or (2) life imprisonment without parole.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** On November 1, 2000, 52 persons were serving life imprisonment without parole while 41 persons were on death row in Indiana. (Expenses may therefore be diminished for death penalty case appeals that involve expenditures by state entities, including: (1) the Office of Attorney General and (2) the State Public Defender's Office.)

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Provision A: Under current law, the state may seek either a death sentence or life imprisonment without parole if it can prove beyond a reasonable doubt that one of 16 aggravating circumstances occurred in connection to a murder. The impact of a murder on the victim's family would be the 17th circumstance under this bill. The effect of this bill would be to add another possible reason for sentencing a defendant to either death or life imprisonment without parole.

Provision B: Considering evidence of the defendant's criminal history when recommending a sentence for a defendant in a murder case may also increase the possibility of a defendant receiving either a death sentence or life imprisonment without parole.

Provisions C and D: Under current law, the sentencing court is not bound by a jury's recommendation. In addition, if a jury is unable to agree on a sentence recommendation, the court discharges the jury and proceeds to sentencing as if the hearing had been to the court alone. The court then sentences the defendant to either death or life imprisonment without parole if it makes findings that support its decision. This bill would constrain courts from sentencing a person to death in either of these circumstances.

Between 1981 and 1994, judges sentenced ten defendants to death by overriding the jury. Between 1978 and 1993, courts sentenced six defendants to death after a jury could not agree on a sentence recommendation.

Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the cost of other criminal prosecutions. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources expended, or the costs of a lengthy jury trial with a sequestered jury.) These expenses are paid from the county general fund. Counties can be reimbursed for half of their expenditures for indigent defense under the Public Defense Fund.

**State Agencies Affected:** Department of Correction, Office of Attorney General, State Public Defender's Office.

**Local Agencies Affected:** Trial courts; prosecutors; local law enforcement agencies.

**Information Sources:** Planning Division, Department of Correction. Indiana Death Row Statistics (1977-2000) <http://www.clarkprosecutor.org/html/death/rowstats.htm>